

Senate Bill 1

Published April 20, 1965.

CHAPTER 20

AN ACT to repeal 41.01 (1r) (i); to amend 5.23, 5.24 (1) (a) and (b) and (2), 17.01 (7), 17.09 (1), 41.155 (4) (a), 59.03 (2) (h) and (3), 59.13 (1) (intro. par.), 60.51, 61.19, 61.195, 61.23 (2), 62.09 (1), (3) (a) and (5) (a) and 142.03 (1); and to repeal and recreate 59.03 (2) (intro. par.) to (e) of the statutes, relating to a system of county board representation in certain counties based on the apportionment of supervisory districts by county boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.23 of the statutes is amended to read:

5.23 Nomination papers for offices to be filled at the spring election shall be filed not later than 5 p.m. on the last Tuesday in January. They

shall conform to the requirements for nomination papers for independent candidates for the general election, except that the number of signers required is as follows: For state offices, 2,000 electors; for offices in districts less than the state, and county offices (except, in both cases, judicial offices), not less than 3 per cent nor more than 10 per cent of the number of electors voting for governor in the district or county at the last preceding general election; for judicial offices, not less than 2 per cent nor more than 10 per cent of such number, except that the number of signers required for judicial candidates in counties having a population of 500,000 or more shall not be less than 3,000 nor more than 5,000; for city offices, not less than one per cent nor more than 10 per cent of the number of electors who voted for the candidate who received the highest number of votes for such office in the last preceding election, but not less than 100 signers in the case of any office to be voted for throughout the city except in cities of the 4th class where the minimum shall be 20; except that the number of signers required for nomination papers for the offices of alderman in cities of the 1st class and county supervisors in counties having a population of 500,000 or more shall not be less than 200 nor more than 600 for such offices to be filed at the spring election next succeeding a readjusting and changing of boundaries of wards pursuant to s. 4.04 (1m) or any readjustment of assembly districts due to reapportionment; *and except that the number of signers required for candidates for county supervisor in counties having a population of less than 500,000 and containing more than one town shall be not less than one per cent nor more than 3 per cent of the population of the county supervisory district, according to the last decennial federal census.* Each candidate shall file with his nomination papers a declaration that he will qualify as such officer if elected. All signers on one sheet for a candidate elected by voters of more than one county shall reside in the same county.

SECTION 2. 5.24 (1) (a) and (b) and (2) of the statutes are amended to read:

5.24 (1) (a) A primary may be held in any city for the nomination of candidates for city office, ~~including supervisory~~, if on or before a day not later than 3 days after the last day for filing nomination papers such city either by a majority vote of all members of its governing body ~~shall provide~~ provides for, or by a petition signed by electors of said city equal in number to not less than 10 per cent of the vote cast therein for governor at the last preceding general election and filed with the city clerk ~~shall require~~ requires, a primary for any specific election. If the number of candidates for any city office does not exceed 2 times the number to be elected to such office, no primary shall be held for such office and the names of such candidates shall be printed upon the official ballot for the ensuing election. If candidates for any city office have been nominated by primary, no further candidates shall be nominated by nomination papers.

(b) Any city may by ordinance enacted pursuant to s. 66.01 provide that whenever 3 or more candidates file nomination papers for a city office, ~~including supervisor~~, a primary shall be held for the nomination of candidates for such office.

(2) If nomination papers proposed 3 or more candidates for members of the county board of supervisors or for any elective town office, including constable, in towns adopting the primary for elective town officers as provided in s. 5.27 (4) in counties having a population of 500,000 or more, or for any judicial office in any county having a population of 500,000 or more, or propose more than twice as many candidates for any elective town office in any such towns or for members of the board of school directors or the board of education as are to be elected in any city of any such county, or propose 3 or more candidates for justice of the supreme court, circuit or

county judge or for state superintendent of public instruction or, in any county supervisory district in a county having a population of less than 500,000 and containing more than one town, for county supervisor, no person's name shall be placed on the ballot in the spring election unless he is nominated at the spring primary.

SECTION 3. 17.01 (7) of the statutes is amended to read:

17.01 (7) By county supervisor, county clerk, county treasurer, coroner, district attorney, register of deeds, or county surveyor or county superintendent of schools, to the sheriff, who shall immediately transmit a notice thereof, in case of a coroner, district attorney or register of deeds, to the governor; in case of a county superintendent of schools, to the state superintendent; and in case of a county supervisor, county clerk, county treasurer or surveyor, to the chairman of the county board; and after such notices the sheriff shall file such resignations with the county clerk.

SECTION 4. 17.09 (1) of the statutes is amended to read:

17.09 (1) COUNTY CLERK; TREASURER; SURVEYOR; SUPERVISOR. The county clerk, county treasurer or surveyor, or a county supervisor, by the county board, for cause, by a vote of two-thirds of all the supervisors entitled to seats on such board.

SECTION 5. 41.01 (1r) (i) of the statutes is repealed.

SECTION 6. 41.155 (4) (a) of the statutes is amended to read:

41.155 (4) (a) In the case of a district containing all of one county by a majority vote of the county board. If a municipality within the county has established a school of vocational and adult education, the supervisors from such municipality shall not vote in making this determination and a majority of those supervisors present who are eligible to vote is required for approval. If a municipality within the county has established a program of vocational and adult education the majority vote of the governing body of the municipality is required before the territory incorporated in the municipality is included in the vocational and adult education area school district.

SECTION 7. 59.03 (2) (intro. par.) to (e) of the statutes are repealed and recreated to read:

59.03 (2) OTHER COUNTIES. (a) *Classification; maximum number of supervisors.* Counties having a population of less than 500,000 and more than one town are classified and entitled to a maximum number of county board supervisors as follows:

1. Counties having a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.

2. Counties having a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.

3. Counties having a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.

4. Counties having a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.

5. If the population of any county is within 2 per cent of the minimum population for the next most populous grouping under this paragraph, the county board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

(b) *Creation of supervisory districts.* The county board in each county shall establish and number supervisory districts, after a public hearing, in

such a manner that each supervisor shall represent as nearly as practicable an equal number of persons, but considering such other factors as continuity of interest, compactness and contiguity of existing town, village and city lines. More than one municipality may be placed in any supervisory district and more than one district may be formed within a municipality. Whenever conditions arise where creation of a supervisory district based primarily on population cannot be achieved without violating municipal boundary lines, but where a combination of 2 or more municipalities could be established creating a supervisory district of approximately double the population average of the other supervisory districts, the county board may create such a supervisory district and designate that 2 supervisors be elected from such a district.

(bm) *First time allocation procedure.* At the time of establishing the first supervisory districts after the adoption of this amendment (1965), "number of persons" means the population of each minor civil division or ward based on the 1960 federal census, but within the current boundaries of such minor civil divisions or wards in effect at such time.

1. Where the boundaries of minor civil divisions or wards have, through incorporation, annexation, consolidation or change of ward lines, been altered since April 1, 1960, the number of persons on which the allocation of supervisory districts is based shall be an estimate of the April 1, 1960, population enumeration within the new boundaries.

2. Inasmuch as supervisory districts will pursuant to par. (c) be reallocated within one year after the receipt of the population certification for the 1970 federal census, the first allocation of supervisory districts after the adoption of this amendment (1965) shall, except as provided in subd. 1, be based solely on the actual number of persons counted on April 1, 1960, and shall not be affected by any alleged changes in the number of persons in each district resulting from any excess of births over deaths or vice versa, or of immigration over outmigration or vice versa.

(c) *Apportioning supervisory districts.* Following each federal decennial census the secretary of state shall certify to each county board chairman the population of each town, village and city in the county. As soon as practicable but not more than one year after receiving the population certification, the county board in each county shall apportion county supervisory districts as provided in par. (b) and the chairman of the county board shall file a certified copy of the apportionment plan with the secretary of state.

(cm) *Changes during decade.* New ward lines adopted after the enactment of a plan of apportionment of supervisory districts under par. (c), or changes in town lines or municipal boundaries due to incorporation, annexation or consolidation occurring after the enactment of a plan of apportionment of supervisory districts under par. (c), shall not change the boundaries of supervisory districts. Any plan of apportionment of county supervisory districts enacted under par. (c) shall remain in effect until superseded by another plan enacted by the county board under said paragraph and filed with the secretary of state.

(d) *Election and term of supervisors.* Supervisors are county officers and shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year. A candidate for the office of supervisor shall be a qualified elector and resident of his supervisory district at least 10 days prior to the earliest time for the commencement of the circulation of nomination papers. The supervisors holding office at the time of the adoption of this amendment (1965) or their successors shall continue in office until the supervisors established under this act are duly elected and qualified.

(e) *Vacancies.* In the event of a vacancy on the county board caused by death, resignation or removal from office, the county board chairman with the approval of the county board shall appoint a person, who is a qualified elector and resident of the supervisory district, to fill the vacancy for the unexpired portion of the term to which he is appointed and until his successor is elected and qualified.

SECTION 8. 59.03 (2) (h) and (3) of the statutes are amended to read:

59.03 (2) (h) Except for services as a member of a committee as provided in s. 59.06 no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: In counties having a population of ~~20,000 or less than 25,000~~, 20 days; ~~more than 20,000 at least 25,000~~ but less than 100,000, 25 days; more than 100,000 but less than 500,000, 30 days.

(3) No county officer or ~~his deputy, or undersheriff employe~~ is eligible to the office of supervisor, but a supervisor may also be a member of a *town board*, the common council of his city or ~~of~~ the board of trustees of his village.

SECTION 9. 59.13 (1) (intro. par.) of the statutes is amended to read:

59.13 (1) (intro. par.) Each county officer named in this chapter, *except county supervisors*, shall execute and file an official bond and take and file the official oath within 20 days after receiving official notice of his election or appointment, or if not officially notified, within 20 days after the commencement of the term for which he was elected or appointed. Every deputy appointed by any such officer shall take and file the official oath and if he neglects shall forfeit \$100. Such official bonds shall be in sums and with sureties, as follows:

SECTION 10. 60.51 of the statutes is amended to read:

60.51 Every town treasurer shall, on the Saturday next preceding the annual session of the county board, make out in duplicate a written statement of the whole amount of moneys received by him as treasurer during the year preceding that day which he has paid or ought by law to pay to the county treasurer, showing particularly the several amounts thereof, the dates and persons or officers respectively, when and from whom received and for what the same was so paid to him; also showing the amounts which he has paid the county treasurer and the dates thereof. He shall also, at the expiration of his term of office, or whenever he ~~shall vacate~~ *vacates* the same, make ~~the~~ a like statement of ~~such~~ moneys received and payments made of which he has not previously filed such a statement. He shall verify by affidavit or officially certify all such statements to be true and correct and to contain the full amount of moneys ~~so by him~~ received during the period of time included therein and immediately file the same with the town clerk. One of each such statements shall be annually ~~taken by the chairman or supervisor who shall attend the county board~~ and filed ~~by the chairman~~ at the time of the annual session ~~thereof of the county board~~ with the county clerk.

SECTION 11. 61.19 of the statutes is amended to read:

61.19 At the annual spring election in each village in odd-numbered years, except as otherwise provided herein, there shall be chosen ~~the following officers viz.:~~ A president, a clerk, a treasurer, an assessor, ~~a supervisor~~, a constable, and a justice of the peace. Any village board may provide for additional justices to be elected in odd-numbered years and the board may change by ordinance the number of or abolish such additional offices. No reduction in the number of justices shall deprive any justice of

his office. In villages in counties having a population of at least 500,000 ~~no supervisor shall be elected and the other,~~ the officers named shall be elected for a term of 2 years on the first Tuesday of April of each year in which is to be held a general election for state officers. Any other officers shall be appointed annually by the village board at their first meeting after the first Tuesday in April unless the board otherwise provides. No person not a resident elector in such village shall be elected to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board appoints a person to act as such clerk.

SECTION 12. 61.195 of the statutes is amended to read :

61.195 Any village may proceed pursuant to s. 66.01 to discontinue the office of marshal or constable, to change the method of selection of or tenure of any officer other than members of the village board, ~~supervisors and justices of the peace, or to consolidate any such office or offices, or to change the term of office of members of the village board and supervisors.~~

SECTION 13. 61.23 (2) of the statutes is amended to read :

61.23 (2) The regular term of office of village president and trustees ~~and supervisor~~ shall commence on the 3rd Tuesday of April in the year of their election. The regular terms of other officers shall commence on May 1 succeeding their election unless otherwise provided by ordinance or statute.

SECTION 14. 62.09 (1), (3) (a) and (5) (a) of the statutes are amended to read :

62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller, attorney, engineer, one or more assessors, one or more justices of the peace and constables as determined by the common council, a health commissioner or board of health, street commissioner, a board of police and fire commissioners, except in cities where not applicable, chief of police, chief of the fire department, a board of public works, a board of education or of school commissioners, except in cities where not applicable, 2 aldermen ~~and one supervisor~~ from each ward, and such other officers or boards as are created by law or by the council. ~~In the event that~~ *If* one alderman from each ward is provided pursuant to s. 66.018 (1), the council may, by ordinance, adopted by a two-thirds vote of all its members, and approved by the electors at the general or special election, provide that there shall be 2 aldermen from each ward.

(b) The council by a two-thirds vote, may dispense with the offices of street commissioner, engineer, comptroller, constable, and board of public works, and provide that the duties thereof be performed by other officers or board, by the council or a committee thereof. The council may, by charter ordinance, adopted pursuant to s. 66.01, provide that there shall be one alderman from each ward, ~~and may also, in like manner, provide that, whatever the number of aldermen, the supervisor of each ward shall be the alderman or one of the aldermen.~~ Any office dispensed with under this paragraph may be recreated in like manner, and any office created under this section may be dispensed with in like manner.

(3) (a) The mayor, aldermen, ~~supervisors~~ and justices of the peace shall be elected by the voters.

(5) (a) The regular term of office of mayor, ~~and alderman and supervisor~~ shall commence on the 3rd Tuesday of April in the year of their election. The regular terms of other officers shall commence on May 1 succeeding their election unless otherwise provided by ordinance or statute.

SECTION 15. 142.03 (1) of the statutes is amended to read:

142.03 (1) The application shall contain a full statement of the financial situation of the person and a general statement of his physical condition, and shall be verified. The county judge, or any person he designates, shall make investigation and the supervisor for *the district containing* the town, village or ward of the legal settlement or if none, the residence of the person, or where found, shall supply to the county judge, on request, all material information within his knowledge and no compensation or expense shall be paid or allowed by the county to any supervisor supplying such material information. Whenever an application is submitted to a county judge for hospitalization of a crippled child under s. 142.02, the judge shall submit a request for approval on blanks, supplied for the purpose, to the bureau for handicapped children of the state department of public instruction. The bureau for handicapped children shall report its approval of the request to the county judge and to the Wisconsin general hospital. It shall also send notice to the county judge as to when the hospital can admit the child.

SECTION 16. The first elections to be held from districts established under this act shall be in 1966. The secretary of state, within 30 days after this act takes effect, shall certify to county board chairmen the information specified in section 59.03 (2) (c) of the statutes. Thereupon, county boards shall apportion districts as required by that section so that, beginning with the spring election in 1966, all elections for county supervisors will be held in accordance with this act.

Approved April 13, 1965.
